

November 17, 2004

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, November 17, 2004, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WENDELL J. EBERLY, Director of Recreation and Facilities
JENNIFER M. HOOVER, Director of Public Works
FRANKLIN P. O'BYRNE, Director of Information Systems
ROBERT A. SYMONS, Fire and Rescue Chief
WILLIAM L. VAUGHN, Director of Community Development
DIANA C. STULTZ, Zoning Administrator
DOTTIE L. BOWEN, Deputy Clerk
DONALD KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE AND INVOCATION.

Chairman Ahrend called the meeting to order at 3:00 p.m.

County Attorney Brown led the Pledge of Allegiance, and Administrator Paxton gave the invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes dated October 27, 2004.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

He will advertise for the Board to hold a public hearing on the Six-Year Plan and Budget to be heard on December 15, 2004, at 6:00 p.m.

Supervisor Kyger asked about the progress of the turn lane project on Route 11 at Route 704. Mr. Komara advised that the project would be advertised in March 2005 and that right-of-way questions were still in negotiation.

Supervisor Kyger asked about the status of the Bridgewater bypass, and Mr. Komara agreed to check on that question.

Supervisor Floyd advised that, since the last meeting, at least one accident was caused by the excessive speed on Route 704 from Port Republic Road; and the speed limit should be reduced.

He asked about legislation concerning speed limits on roads traveling through golf courses. Attorney Brown will look into that matter with Mr. Komara.

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RABIES CLINICS.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the request of Heartland Veterinary Clinic to hold rabies clinics in January 2005 at Tenth Legion and Grottoes.

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DMV DOG AND CAT STERILIZATION FUND.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board certified that the \$1,035.00 received from the Virginia Department of Motor Vehicles Dog and Cat Sterilization Fund will be transmitted to the Rockingham Harrisonburg SPCA to support sterilization of dogs and cats.

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SOLE SOURCE PURCHASE OF E-911 SYSTEM COMPONENT.

Following a presentation by Jim Junkins, Director of the Emergency Communications Center, on motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board determined that Verizon South was the sole source for purchase of a E-911 system component of the Emergency Communication System, at a cost of \$267,013.50, and appropriated \$134,000 from the E-911 fund balance for this purpose.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated November 12, 2004, including information on health insurance, the landfill, the proposed gang task force, recreation programs, the emergency radio communication system, and the Penn Laird Sewer project.

EMERGENCY RADIO COMMUNICATION SYSTEMS.

After hearing a detailed presentation concerning the proposed emergency radio communications system at a work session earlier in the day, on motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board:

- Authorized the County Administrator and County Attorney to finalize a contract for the system with M/A-COM in accordance with the terms provided at the meeting;
- Permitted the ordering of dispatch center equipment for the new Emergency Communications Center to begin prior to

the completion of the contract (the equipment will be required regardless of whether a new radio system is purchased); and

- Authorized the County Administrator to work with the Finance Committee to bring back to the Board a firm and final contract to be considered for financing the system.

This action was taken with the understanding that the numbers are not to exceed those provided by the County Administrator, \$18,915,728.

GANG TASK FORCE

Mr. Paxton advised that City of Harrisonburg and County staff discussed for several months the proposal for a gang task force. He noted that the City/County Liaison Committee had a recommendation for staffing of the task force.

Supervisor Cuevas expressed concern that different agencies not work on this problem independently of one another and asked that the Board be kept informed of the work of the task force.

Sheriff Donald Farley advised that he and the Harrisonburg Police Chief sit on several of the boards of various agencies such as the Weed and Seed Program, the Boys and Girls Club, and agreed that the task force would coordinate with other related agencies.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the City/County Liaison Committee, the Board authorized establishment of a Gang Task Force, subject to the City of Harrisonburg taking similar action, and asked staff to work with the Sheriff and Police Chief to come up with a proposed budget to be considered by the Board at a future meeting, with a "sunset" provision that this action will be revisited by the Board in one year.

Mr. Paxton advised that it was staff's recommendation to refer to the Capital Improvement Program update a Recreation Commission recommendation to install lights at Montevideo and Wilbur Pence Schools. Supervisor Cuevas did not believe action should be taken on this matter unless it was requested by the School Board. Supervisor Kyger moved that the action be taken contingent on it being referred to the School Board. The motion died for lack of a second.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated November 10, 2004, including information concerning Planning Commission activities, Development activity, priority projects underway, summary of upcoming requests and tabled requests.

He reported that the applicant had withdrawn RZ04-19, request of BPML Properties, 17153 Mt. Pleasant Road, Elkton, c/o Pete Bonavita, 9984 Spotswood Trail, McGaheysville, to rezone 46.036 acres from A1 (Prime Agricultural) to R5 (Planned Residential) and 9.11 acres from A1 to B1 (General Business) on a portion of tax parcel 130 (A) 9, and located on the north side of Spotswood Trail (Route 33) approximately 700 feet east of Mt. Hermon Road (Route 829) in Election District #5. This request was tabled by the Board on October 27, 2004.

Supervisor Kyger made the following statement. "Mr. Chairman, in our implementation of the Comprehensive Plan it appears that there is an issue over the use of the term 'agricultural reserve.' The Comprehensive Plan states that 'agricultural reserve' is planned for agricultural uses and uses that support agriculture as a viable way of life and economic enterprise." There should be some distinction between an area designated as 'agricultural reserve' in the middle of an A-1 area, which this Board should aggressively protect from development and incompatible uses, and one that is located next to an incorporated town or the City. It appears that the intent of this designation around growth areas was to provide a buffer area or an area where less dense growth can be blended into the adjacent agricultural areas. Staff has reviewed the Harrisonburg Area Urban Growth Areas and has made some comments and recommendations that should be reviewed by the Planning Commission prior to being considered by this Board. In addition, the recent rezoning request in the Elkton area points to a need to at least review the guidelines used to designate an area 'agricultural reserve' and to determine if there is a more appropriate designation to describe and define the multi-use or transitional nature of such areas. Therefore, Mr. Chairman, I move that the Board request that the Planning Commission review the definition of the 'agricultural reserve' area and determine if another distinction is more appropriate for areas in and around designated growth areas."

Supervisor Breeden seconded the motion.

Supervisor Cuevas suggested that the Comprehensive Plan Citizens Advisory Committee, the drafters of the Plan, be asked to review the matter and make a recommendation to the Planning Commission. He suggested that staff should meet with the town managers so that the seven towns would also be involved.

Supervisor Ahrend said he thought the matter should be reviewed and the towns should be involved.

Supervisor Breeden said he would not have a problem with the committee looking at the question.

Supervisor Kyger said he would accept that as a friendly amendment to the motion, to have at least one work session with the committee members that wish to participate with no requirement that they be in attendance.

The amended motion carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated November 10, 2004, including information concerning projects and equipment changes in the Information Systems Department.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated November 8, 2004, including information concerning training, prevention activities, public education, and other activities.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the County Administrator to execute a Community Oriented Policing Services grant in the amount of \$494,739.

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RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated November 10, 2004, including information concerning Plains District Community Center, District Court renovation, Community Development offices renovation, and recreation programs.

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COMMITTEE REPORTS.

The Board heard Committee reports by Board members and staff.

The Board congratulated Supervisor Kyger on being elected Second Vice President of the Virginia Association of Counties.

The Board agreed to schedule for the December 15, 2004, agenda a proposal for restructuring of the Social Services Board.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 4:55 TO 5:16 p.m. for consultation with staff pertaining to contract negotiations with the City of Harrisonburg as set forth by Virginia Code Section 2.2-3771(A)(7).

At 5:16 p.m., Chairman Ahrend called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER RESOLUTION NO: X04-12
SECOND: SUPERVISOR CUEVAS MEETING DATE: NOV. 17, 2004

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

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RECESS FOR DINNER.

By unanimous consent, the meeting was recessed for dinner from 5:16 to 7:00 p.m.

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PUBLIC HEARING - SPECIAL USE PERMIT REQUESTS.

At 7:00 p.m., Chairman Ahrend declared the meeting open for a Public Hearing on the following special use permit requests. Ms. Stultz reviewed the details of the requests.

S04-55, request of Jeffrey S. Moyers and Jacqueline F. Puffenbarger, 8903 Wilderness Lane, Singers Glen, for a private family cemetery on property located on the southwest side of Wilderness Lane (private road) approximately 1/2 mile west of Mayberry Road (Route 773), Linville Magisterial District, Election District #2, zoned A2. Tax Map #62-(A)-12.

Ms. Puffenbarger, part owner of the property, said Mr. Moyers had lived on the site all his life and wished to be buried on his property. She indicated that the cemetery would be used only for the family.

In response to a question from Supervisor Cuevas, Mr. Brown advised that the cemetery would have to stay a certain distance from the property lines and houses.

Diane Gamble said she represented the adjoining property owners. She expressed concern that the cemetery would be in the backyard of an old homestead and might prohibit the neighbors from building a house or drilling a well in the future.

Ms. Stultz said the applicants would have to meet the setback requirements and would have to meet Health Department regulations for a well.

Ms. Puffenbarger said the chosen site was the only level location on the property. She did not object to moving the cemetery to another location if the present special use permit application could still be used. She pointed out a power line running between the property line and the existing house so that there "was no way they could even get close to the property line with a well."

Ms. Stultz said the Board could authorize a change in location.

S04-56, request of Bobby L. Knight, et al, 9284 Old County Road, Grottoes, for a residence involving a division of land to a non-family member on property located on the southwest side of Three Springs Road (Route 652) approximately 1/2 mile southeast of Pineville Road (Route 672) in Stonewall Magisterial District, Election District #5, zoned A1. Tax Map #141-(A)-144.

Lisa Knight advised that her parents were purchasing the property in order to build two homes, one for them and one for her sister. She said the intent was to farm the property and that she planned to keep horses there.

No opposition was expressed.

S04-57, request of Randy L. Schweitzer, 2225 Fort Lynne Road, Harrisonburg for building for existing sawmill operation on property located on the west side of Fort Lynne Road (Route 910) approximately 1/2 mile north of Mt. Clinton Pike (Route 763) in Central Magisterial District, Election District #2, Zoned A2. Tax Map #93-(2)-1.

Mr. Schweitzer explained that he needed a place to put lumber inside.

No opposition was expressed.

S04-58, request of Frances S. Dean, 779 Weyers Cave Road, Weyers Cave, for a second residence on property located on the west side of Mountain Valley Road (Route 620) approximately 6/10 mile south of Arkton Road (Route 798) in Plains Magisterial District, Election District #1, zoned A1. Tax Map #68-(A)-15D.

Ms. Dean said she wanted to put a house on the property.

S04-59, request of Leonard E. and Eileen H. Showalter, 5724 North Valley Pike, Harrisonburg, for a body shop with paint room on property located on the east side of North Valley Pike (Route 11) approximately 6/10 mile north of Melrose Road (Route 724) in Linville Magisterial District, Election District #2, zoned A2.

Mr. Showalter said his son would like to do auto body work, "maybe one or two a year," as a hobby.

Supervisor Ahrend noted that one letter of opposition had been received.

S04-60, request of Frances T. Owens, 21719 Dry Run Falls Trail, Elkton, for animal husbandry (fighting cocks) on property located on the southwest side of Thoroughfare Road (Rt. 625) and Dry Run Falls Trail (private road) in Stonewall Magisterial District, Election District #5, zoned RR1. Tax Map #133-(1)-3.

Ms. Owens said she owned the property and had lived there for 18 years. She said she was not aware that she was in violation of County regulations. She said she had not heard any complaints.

Ronnie Owens said they had raised the roosters for 19 years as well as other poultry. He said most of them were in pens and "a few" were "running loose."

Ms. Stultz explained that a special use permit was required in order to keep domestic animals in an RR1 zone.

Ronnie Conley said he owned the property across the road and the roosters did not bother him. He said the neighbors should "move someplace else" if they did not want to hear the roosters crowing.

Frank Patrillo said he had kept cows and chickens and nobody complained.

Donnie Williams read a statement in opposition.

Brenda Williams said her property adjoined the applicant's site and was fairly close. She said she moved there in 1987 in order to have peace, quiet and privacy. She said they were aware that there were a couple of cows, horses and laying hens and they had no problem with that. However, she said that after a number of years, the applicant started bringing in fighting cocks that crow day and night and run loose on the neighbors' properties. She said her vegetable garden and flowerbeds were destroyed; and her porch, walk and deck were covered with poultry dung. She noted that she was particularly concerned about such a large commercial operation and the type of people it was bringing into the neighborhood. She said the applicant's sales to customers were increasing. She stated that a realtor had told her that her property value was decreased by the fighting cock operation next door. She advised that the area was an eyesore and the restrictive covenants of the subdivision prohibited such use. She told the Board the fighting cock business would only increase if a special use permit were granted.

Gene Ryder, neighbor, read the following letter from another neighbor, Mr. Didier Springuel. "I am the

owner of Dry Run Falls Lot 13S 1. My property is located one lot over from Frances T. Owens who is seeking a special use permit to raise fighting roosters. I am unable to attend the November 17 hearing on this application because of my wife's illness, but I appreciate the opportunity to put my views on the record. I have owned my property since 1991. While I have never had any problems with any of my neighbors on a personal level, I have been disturbed by the presence of roosters at the Owens property on many occasions over the years. These roosters make an incredible amount of noise, both day and night. I have had my property up for sale through Gary Mitchell of Massanutten Reality since 2003. Mr. Mitchell has informed me that at least two buyers were prepared to make an offer on my land, but decided not to because of the excessive noise from the roosters. I feel that the roosters have harmed and infringed upon my right to use my land as is my legal right to do. This nuisance has reduced the value of my property and has left me unable to sell the property at its fair market price. For this reason, I would request that the special use permit for raising fighting roosters not be granted. Thank you for taking my views into consideration.

Lori Ryder gave the Board photographs of the view of the fighting cock operation as seen from her property. She indicated that the operation was so large that the suggested conditions would be of no consequence if the permit were approved. She stated that the fighting cock business was of no profit to anyone but those engaged in the sale of the roosters for fighting, not of profit to the general public as a legitimate agricultural enterprise would be. She did not think her neighbors would object to a goat, horse or cow, or even hens that were used to produce fresh eggs. She said the objection was to this large-scale commercial business, with its resulting noise, unsightliness and trespassing on neighbors' properties, being located in the middle of a subdivision. She said Mr. Owens had visited her and behaved in an unpleasant and threatening way when she indicated she was not in favor of his continuing the fighting cock business.

Jeff Insley was in favor of the fighting cock business. He thought the speakers were not able to sell their properties because they were on a cliff and in a swamp.

Mr. Owens said he did not remember threatening any people. He indicated that he would correct any problem that the neighbors brought to his attention. He stated that 60 was the largest number of roosters he had kept at one time.

In response to a question from Supervisor Cuevas, Ms. Stultz said the fighting cock operation had been in business for a number of years.

S04-61, request of Todd & Olga Ott, 18 Burkes Mill Road, Weyers Cave, for a residence involving a division of land to a non-family member on property located on the north side of Ford View Road (Route 691) approximately 8/10 mile east of Nucker Road (Route 992) in Ashby Magisterial District, Election District #3, zoned A1. Tax Map #149-(3)-3.

Ken Hopkins said the property had been used for pasture for the last 68 years and he had problems with cattle trying to get down the incline to the river. He stated that it was difficult to maintain the back of the property because bush hogging was a problem on a steep bank.

Todd Ott said he wanted to purchase the property to build a house on the hill, fence the area in and put some cattle on it.

No opposition was expressed.

Chairman Ahrend closed the public hearing and called the meeting back to order at 8:15 p.m.

Noting that he would like to add a condition that the Moyers/Puffenbarger cemetery be at least 100 feet from the property line, Chairman Ahrend asked for a motion to approve this request. On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-55, request of Jeffrey S. Moyers and Jacqueline F. Puffenbarger, 8903 Wilderness Lane, Singers Glen, for a private family cemetery on property located on the southwest side of Wilderness Lane (private road) approximately 1/2 mile west of Mayberry Road (Route 773), Linville Magisterial District, Election District #2, zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) In accordance with VDOT requirements road guards shall be posted on Mayberry Road (Route 773) whenever a service is held at the cemetery.
- (3) All state regulations pertaining to private cemeteries shall be met.
- (4) The area to be used as the cemetery shall be fenced within one year from date of approval of this permit.
- (5) Cemetery shall be a minimum of 100 feet from property lines.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-56, request of Bobby L. Knight, et al, 9284 Old County Road, Grottoes, for a residence involving a division of land to a non-family member on property located on the southwest side of Three Springs Road (Route 652) approximately 1/2 mile southeast of Pineville Road (Route 672) in Stonewall Magisterial District, Election District #5, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) Entrance shall be installed in accordance with permit obtained from VDOT. Said entrance shall be installed prior to final inspection.
- (4) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (5) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (6) If deed exception is made within one year from date of approval of the special use permit, the residence on the property shall be exempt from the one year completion date.
- (7) This residence shall not be used for rental purposes.
- (8) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

Noting that the Schweitzer request was for a positive reason, Chairman Ahrend asked for a motion of approval. On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-57, request of Randy L. Schweitzer, 2225 Fort Lynne Road, Harrisonburg for building for existing sawmill operation on property located on the west side of Fort Lynne Road (Route 910) approximately 1/2 mile north of Mt. Clinton Pike (Route 763) in Central Magisterial District, Election District #2, Zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Building shall comply with the Virginia Uniform Statewide Building Code and permits shall be obtained.

- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (5) This business shall meet all requirements of the State Fire Prevention Code.
- (6) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. If required, no certificate of occupancy shall be issued until all other conditions of this permit are met.
- (7) All conditions of the 2002 special use permit shall remain in effect and shall be enforced.

Noting Ms. Dean wanted to move back to her land, on motion by Supervisor Cuevas, seconded by Supervisor Breedon and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDON - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-58, request of Frances S. Dean, 779 Weyers Cave Road, Weyers Cave, for a second residence on property located on the west side of Mountain Valley Road (Route 620) approximately 6/10 mile south of Arkton Road (Route 798) in Plains Magisterial District, Election District #1, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) An entrance permit shall be obtained from VDOT's Residence Office and submitted to the Community Development Department prior to deed exception approval. The new entrance shall be installed prior to final inspection of the residence.
- (4) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (5) This residence shall not be used for rental purposes.
- (6) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

At Chairman Ahrend's request, on motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-59, request of Leonard E. and Eileen H. Showalter, 5724 North Valley Pike, Harrisonburg, for a body shop with paint room on property located on the east side of North Valley Pike (Route 11) approximately 6/10 mile north of Melrose Road (Route 724) in Linville Magisterial District, Election District #2, zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Building shall comply with the Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Structure shall not encroach on sewage disposal system (or components) and all setback distance from septic and water supplies as required by the Health Department shall be met.
- (5) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (6) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (7) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (8) Off-street parking shall comply with the Rockingham County Code.
- (9) All work shall be done inside the building and there shall be no outside storage of parts.
- (10) No junk, trash or debris, including but not limited to junk automobiles, shall be allowed on the property.
- (11) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- (12) The paint booth shall be constructed so that it complies with all local, state and federal agencies that regulate these types of uses.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled S04-60, request of Frances T. Owens, 21719 Dry Run Falls Trail, Elkton, for

animal husbandry (fighting cocks) on property located on the southwest side of Thoroughfare Road (Rt. 625) and Dry Run Falls Trail (private road) in Stonewall Magisterial District, Election District #5, zoned RR1.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-61, request of Todd & Olga Ott, 18 Burkes Mill Road, Weyers Cave, for a residence involving a division of land to a non-family member on property located on the north side of Ford View Road (Route 691) approximately 8/10 mile east of Nucker Road (Route 992) in Ashby Magisterial District, Election District #3, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (5) If deed exception is made within one year from date of approval of the special use permit, the residence on the property shall be exempt from the one year completion date.
- (6) This residence shall not be used for rental purposes.
- (7) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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INFORMATION ITEMS.

The Board received the following information items from the County Administrator.

- a. Copy of letter dated November 10, 2004, from County Attorney to the Town of Broadway, advising that the County has no objection to the annexation of a portion of the County by the Town.
- b. Copy of letter dated November 8, 2004, from the Virginia Department of Environmental Quality concerning a public

meeting scheduled to discuss clean up plans for Blacks Run and Cooks Creek.

- c. Building Inspections report for October 2004.
- d. Letter dated October 13, 2004, from Senator George Allen concerning a possible reduction in funds to the Rockingham County Fraud Reduction/Elimination Effort (FREE) program.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 8:22 p.m.

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Chairman